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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,653	12/26/2001	Kenji Yamamoto	217474US0	8248

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ALEXANDRIA, VA 22314

EXAMINER

TURNER, ARCHENE A

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 06/24/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,653

Applicant(s)

YAMAMOTO ET AL.

Examiner

Archene Turner

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3-5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 1775

1. Applicant's election with traverse of Group I in Paper No. 7 is acknowledged.

The traversal is on the ground(s) that groups I & II are not distinct. This is not found persuasive because the coating may be used for a different final product.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 10-20 are withdrawn from further consideration pursuant to 37 CFR

1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitsubishi Material Corp (JP 10-251831 or 07-237010) or Hitachi Tool Eng. Ltd (JP 09-300105 or 09-295204 or 07-188901) or Kobe Steel Ltd (JP 09-256138 or 09-041127) or

Art Unit: 1775

Munz et al ("Properties of various....sputter deposition) or Vetter et al (EP 1 132 498) or Muenz et al (6,033,734 or 6,033,768) or Yamada et al (6,296,928).

The references disclose the claimed film having Ti, Al, Cr, and N and/or C within the claimed proportions. The claimed physical properties are considered inherent.

5. Claims 1,3-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishii et al (6,220,797) or Brandle et al (6,492,011).

The reference discloses the claimed film having Ti, Al, Cr, and N and/or C within the claimed proportions. The claimed physical properties are considered inherent.

6. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hitachi Tool Eng. Ltd (JP 11-131216 or JP 11-131215 or 09-323205 or 09-323204 or 09-291353) or Andreev et al (4,436,830).

The reference discloses the claimed film having Ti, Al, Cr, and N and/or C within the claimed proportions. The claimed physical properties are considered inherent.

7. Claims 1-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Tohoku Tokushuko KK (JP 2000-297365)

Art Unit: 1775

The reference discloses the claimed film having Ti, Al, Cr, and N and/or C within the claimed proportions. The claimed physical properties are considered inherent.

8. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Knight et al (6,231,969) or Brandle et al (6,071,560) or Kobe Steel Ltd (JP 08-120445).

The reference discloses the claimed film having Ti, Al, Cr, and N and/or C within the claimed proportions. The claimed physical properties are considered inherent.

9. Any inquiry regarding this communication or earlier communications from the Examiner should be directed to Archene Turner, whose telephone number is (703) 308-4344. The Examiner can normally be reached Monday to Thursday from 8:30 AM to 6:00 PM.

A facsimile center has been established in Group 1700, Crystal Plaza 2, 8th floor, reception area. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is (703) 305-3599 (for official after final faxes) or (703) 305-5408 (for all other official faxes). This location should be used in all instances when faxing any correspondence to Art Unit 1775. Use of the Group 1700 center will facilitate rapid delivery of materials to Examiners in Art Unit 1775.

Art Unit: 1775

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'A. A. Turner', with a long horizontal flourish extending to the right.

A. A. Turner
Primary Examiner
Group 1700